

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services hereby amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments update the maximum Medicaid rate for intermediate care facilities for individuals with an intellectual disability (ICF/IDs) which is used to determine the disposition of the income of a medical assistance income trust (MAIT).

The Department of Human Services provided the maximum Medicaid rate for care in an ICF/ID. The maximum Medicaid rate for ICF/ID increased from \$28,915 per month to \$29,240 per month.

The increase in this maximum rate will allow a few additional individuals to qualify for medical assistance with MAITs because the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes is increased.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3016C** on April 12, 2017. The Department received no comments during the public comment period. These amendments are identical to those published as Notice of Intended Action.

The Council on Human Services adopted these amendments on June 14, 2017.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective July 1, 2017, because these amendments confer a benefit on the public. The maximum Medicaid rates are increased, allowing more individuals to be eligible with a MAIT.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4.

These amendments became effective July 1, 2017.

The following amendments are adopted.

ITEM 1. Amend paragraph **75.24(3)“b,”** introductory paragraph, as follows:

b. A trust established for the benefit of an individual if the trust is composed only of pension, social security, and other income to the individual (and accumulated income of the trust), and the state will receive all amounts remaining in the trust upon the death of the individual up to the amount equal to the total medical assistance paid on behalf of the individual. For disposition of trust amounts pursuant to Iowa Code sections 633C.1 to 633C.5, the average statewide charges and Medicaid rates for the period from July 1, ~~2016~~ 2017, to June 30, ~~2017~~ 2018, shall be as follows:

ITEM 2. Amend subparagraph **75.24(3)“b”(2)** as follows:

(2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$28,915~~ \$29,240 per month.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/17.